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(1932 - 2015)

April 11, 2019

Mark Dannels  
Cochise County Sheriff  
205 N. Judd Dr.  
Bisbee, AZ 85603

Arlathe G. Rios  
Clerk of the Board  
Cochise County Board of Supervisors  
1415 Melody Ln., Building G  
Bisbee, AZ 85603

Doug Packer  
currently incarcerated in the Santa Cruz County Jail

## NOTICE OF CLAIM PURSUANT TO A.R.S § 12-821.01

This firm represents Claimants Devan Kingery and Elizabeth Durazo in their claims against Cochise County, Cochise County Sheriff Mark Dannels, and Doug Packer related to Packer's sexual misconduct against them. This Notice is given pursuant to A.R.S. § 12-821.01. This Notice is being served on a member of the office of the Clerk of the Board of Supervisors of Cochise County, who informed the process server that he/she is authorized to accept service on behalf of Clerk Arlathe G. Rios, and upon a member of the Cochise County Sheriff's Office, who informed the process server that he/she is authorized to accept service on behalf of Sheriff Mark Dannels. If you believe this Notice of Claim is insufficient in any way, please notify me immediately.

## DISCLAIMER

Because of the arbitrary time limits required by the statute, this Notice is being filed before Claimants' investigation can be completed, before disclosure and discovery, and before being able to obtain complete documentation. Therefore, Claimants do not intend that this Notice of Claim should constitute admissible evidence in a subsequent lawsuit and would object to any part of it being read to the jury unless first ordered by the court, and, if ordered, without also reading this Disclaimer. At this juncture, Claimants cannot be certain that they know all

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theories and bases for liability. If Claimants are forced to litigate against the Sheriff, Packer, and/or County, disclosure and discovery may reveal additional theories and bases for liability and Claimants reserve the right to assert any such theories or bases.

### FACTS

Devan Kingery and Elizabeth Durazo were housed in the Cochise County Jail as roommates. Shortly after Devan arrived at the jail, she requested to visit the chaplain to participate in bible study. Bible study was done in chaplain Doug Packer's office in the jail. During these visits, Devan would be alone with Packer and was not free to leave without Packer's permission. Based on information and belief, there are no cameras in Packer's office. Devan would semi-regularly visit with Packer for bible study on her own volition. But Packer began making inappropriate comments to Devan. He would tell her she was beautiful and that he wanted to see her in a bikini. He would also hug Devan. She felt uncomfortable around Packer, and stopped requesting to participate in bible study with Packer.

Packer was given the authority by Cochise County and Sheriff Dannels to pull inmates into the Chaplain's office without their requesting to see the Chaplain first. After Devan stopped requesting to see Packer, he used this authority to pull her into his office on his own volition. During these visits, Packer would attempt to groom Devan by giving her things like pins, hair ties, and candy. At first, Packer would pull Devan into his office once per week. But the frequency of the visits increased until he was pulling her in daily. Devan continued to feel uncomfortable during the visits.

Approximately one week before Christmas 2018, as Devan was leaving one of the visits with Packer, he kissed her on the lips. She immediately pushed him away and told him not to do that. He said that she misunderstood his intentions; he said thought of her as a daughter. Devan did not know how to respond and told her roommate Elizabeth about what happened.

Based on information and belief, Packer did not work the week of Christmas 2018. On January 2, 2019, Packer returned to the jail and pulled Devan into his office. When she entered his office, he told her he wanted to push her into the corner and kiss her. Devan told him she did not consent, and that she had told Elizabeth everything that had happened. Packer immediately got angry, walked over to Devan, pinned her arms to the chair she was sitting in, straddled her legs and sat on her thighs, began to kiss her down her neck, then put his arm up her shirt and under all her clothing, and grabbed her breast. She fought to pull his arm out of her shirt, and he then moved his hand down her pants and touched her genitals underneath her clothing. Suddenly there was a sound of a door being popped open, and Packer jumped off Devan.

Devan was distraught and in tears. She told Packer she wanted to leave his office. He told her she couldn't leave until she stopped crying and he lost his erection. Devan told him what he did was wrong and that she was going to tell Elizabeth. After what felt like an eternity

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to Devan, Packer got up to let her out. He leaned in to try to kiss her again, and she pulled away so he couldn't. When she got back to her cell, Devan told Elizabeth what happened.

On January 4, 2019, Packer again called Devan into his office. Packer was mad when Devan got to his office. He asked her if she had told anyone what had occurred two days prior. She told him that she had told Elizabeth everything. Packer said he wanted to find out exactly what Elizabeth knew, and called her into his office as well. But because he could not leave Devan alone in his office, he had to wait until another jail employee could escort Elizabeth to his office. While waiting, for Elizabeth, Packer again pinned Devan's arms to the chair, straddled her legs, and inappropriately touched her. But this time he also grabbed her hand and tried to force her to touch his penis over his pants. Devan fought and was finally able to get him off her.

When Elizabeth arrived, Devan was in tears and very visibly distraught. Elizabeth asked what happened, but Devan couldn't answer because she was too traumatized. Packer then asked Elizabeth if she knew everything he had done to Devan. Elizabeth responded that yes she did. Packer said it didn't matter because no one would believe the two women over him.

Packer then told Devan and Elizabeth he wanted a "pre-show." Neither Devan nor Elizabeth knew how to respond to this bizarre demand. Packer told them to kiss each other. Elizabeth and Devan refused. Packer then told Elizabeth "you're not the one I like" and told her to sit in the corner of his office facing Packer and Devan.

Packer then walked behind Devan, lowered his pants, grabbed her by the hair, forced his penis into her mouth, and continued sexually assaulting her until he ejaculated on her and on the floor. Packer then forced Elizabeth to clean up the ejaculate off Devan and the floor. The women again had to wait for someone to escort them out of Packer's office. They reported the incident to other jail officials that day. Packer was subsequently arrested.

### **LIABILITY**

Packer sexually assaulted Devan and inflicted severe emotional distress on Devan and Elizabeth. His actions are disgusting, egregious, and criminal.

Cochise County and Sheriff Dannels are not only liable for Packer's actions under the doctrine of respondeat superior, but are also liable for creating an environment where this could occur and facilitating the actions of such a despicable man. In addition, based on information and belief, employees of the Cochise County Sheriff's Office who worked at the jail were aware of Packer's predatory behavior toward young female inmates, but took no actions to prevent this assault, and potentially dozens of others, from occurring. The County and Sheriff are liable for their failure to properly supervise Packer.

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### **DAMAGES**

Devan has suffered, and continues to suffer severe anxiety, stress, embarrassment, shame, psychological and emotional trauma, and humiliation. Words cannot adequately describe the horror of being subjected to sexual assault. Moreover, the nature of the assault and the location where it occurred only served to exacerbate the damages suffered by Devan.

Elizabeth likewise has suffered, and continues to suffer severe anxiety, stress, embarrassment, shame, and humiliation. She was forced to watch in shock as her roommate and friend was sexually assaulted while terrified that she would be next. She was then forced into the demeaning task of cleaning up after the assault.

These two young women will be dealing with the trauma caused by this horrific assault for the rest of their lives.

### **DEMAND**

Devan will settle her claims for \$1,925,000.00. Elizabeth will settle her claims for \$400,000.00.

Sincerely,

MILLER, PITT, FELDMAN & McANALLY, P.C.

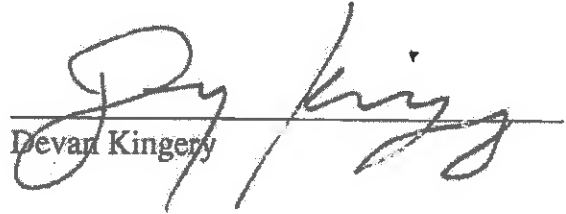


Nathan B. Webb  
nwebb@mpfmlaw.com

**VERIFICATION**

Devan Kingery, being first duly sworn upon her oath, deposes and says:

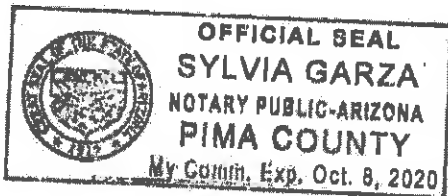
I have read this Notice of Claim and verify that all contents are true to the best of my knowledge.

  
Devan Kingery

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of April, 2019, by Devan Kingery.

  
Notary Public

My Commission Expires



# VERIFICATION

Elizabeth Durazo, being first duly sworn upon her oath, deposes and says:

I have read this Notice of Claim and verify that all contents are true to the best of my knowledge.

  
Elizabeth Durazo

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of April, 2019, by Elizabeth Durazo.

  
Notary Public

My Commission Expires

